

S&H Form: (02/05)

**REPLY/AMENDMENT
FEE TRANSMITTAL**

Attorney Docket No.	1046.1243
Application Number	09/788,387
Filing Date	February 21, 2001
First Named Inventor	Makoto SUZUKI, et al.
Group Art Unit	2612

AMOUNT ENCLOSED	\$1520.00	Examiner Name	Villecco, John M.
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FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	13	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	7	- 7 =	0	X \$ 200.00 =	\$ 0.00
Since an Official Action set an <u>original</u> due date of <u>February 2, 2006</u> , petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)):					\$ 1020.00
If Appeal Brief is enclosed, add (\$500.00)					\$ 500.00
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$ \$1520.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
TOTAL FEES DUE =					\$ \$1520.00

- (1) If entry (1) is less than entry (2), entry (3) is "0".
(2) If entry (2) is less than 20, change entry (2) to "20".
(4) If entry (4) is less than entry (5), entry (6) is "0".
(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

- ☒ Check enclosed as payment.
☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
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- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:
- | | |
|----------------------|--------------------|
| Deposit Account No. | 19-3935 |
| Deposit Account Name | STAAS & HALSEY LLP |
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	J. Randall Beckers	Reg. No.	30,358
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Signature		Date	2/2/6
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Docket No.: 1046.1243

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of:

Makoto SUZUKI, et al.

Serial No. 09/788,387

Group Art Unit: 2612

Confirmation No. 5408

Filed: February 21, 2001

Examiner: Villecco, John M.

For: IMAGE PHOTOGRAPHING SYSTEM HAVING DATA MANAGEMENT FUNCTION,
DATA MANAGEMENT DEVICE AND MEDIUM

APPEAL BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action in the above-identified application, and pursuant to the Notice of Appeal filed September 2, 2005, Applicants submit this Appeal Brief together with the requisite fee set forth by § 1.17(c).

A Petition for a three-month extension of time, together with the requisite fee for same, is submitted herewith, thereby extending the period for submission of the Appeal Brief for the above-identified application to February 2, 2006.

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02 FC:1253

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I. REAL PARTY IN INTEREST (37 CFR §1.192(c)(1))

The real party in interest is FUJITSU LIMITED, the assignee of the subject application

II. RELATED APPEALS AND INTERFERENCES (37 CFR § 1.192(c)(2))

Appellant, Appellants' legal representatives, and assignee are not aware of any prior or pending appeals or interferences which directly affect or be directly affected by, or having a bearing, on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS (37 CFR §1.192(c)(3))

Claims 1, 4, 5, 7-9, 12-14 and 16 are currently pending, claims 10, 11 and 15 have been withdrawn from consideration, claims 2, 3 and 6 remain cancelled. Claims 1, 4, 5, 7-9, 12-14 and 16 stand finally rejected and are appealed.

Claims 1, 4, 5, 7-9, 12-14 and 16 are each independently patentable over the references, and as set forth below, and do not stand or fall together.

IV. STATUS OF AMENDMENTS (37 CFR §1.192(c)(4))

No amendment(s) was filed subsequent to the Final Office Action mailed June 2, 2005.

V. SUMMARY OF INVENTION (37 CFR §1.192(c)(5))

Digital image data generated by imaging devices are generally stored in a built-in memory and/or a sub storage unit. The stored digital image data is read from the memory or the storage unit and displayed on a display device. The typical digital image photographing system displays the digital image formed on the imaging device in real time on a display, such as a liquid crystal display. When a photographing instruction is input by a user, the digital image photographing system sequentially takes digital images formed on the imaging device one at a time, and records the digital images on the built-in memory and/or the sub storage medium. Accordingly, when a user who wants to confirm or view the photographed image, the recorded digital image data is read from the memory or the sub storage unit, and is displayed on the liquid crystal display, thereby causing the user to switch from a normal photographing mode to a management mode.

A display order of digital image data recorded on the imaging device is determined by sorting the digital image data with pre-defined keys or characteristics, such as a file name, a

recording date, etc., thereby causing a newly photographed image to be inserted at the end of the display order. This requires a user who desires to display a particular digital image data recorded on the imaging device to have knowledge of the display order and/or search through digital images using the key or characteristics defining the display order.

The problem discussed in the previous paragraph is further exacerbated when there are multiple digital image data recorded on the imaging device. This is because multiple digital image data may not be displayed on a single screen, in which case, the newly photographed image may not even be listed on the single screen because the photographed image is added or inserted at the end of the display order. As such, a user must have knowledge of the vicinity within which the newly photographed image is added and scroll the screen to view digital image data of the newly photographed image.

As set forth below, the present invention provides a solution to the above-discussed and other problems by enabling a user to freely insert or add an image at "a desired position" (claims 1, 7 and 12) and "a selected position" (claim 16) within a sequence of image data.

For example, the present invention enables a user to freely insert an image at a desired position within a sequence of image data including between images in the sequence of image data. For example, as shown in FIG. 7 of the present application, a user is able to move image display frame 32c displayed as frame 3 and insert the same to be displayed as frame 1 (see, pages 18-19 of the present application). That is, the present invention does not restrict insertion of images at a predefined position in the sequence of image data.

Independent claims 1, 7 and 12 recite, "displaying a screen configured by a first display area displaying an image from an image acquisition device, and a second display area displaying a sequence of image data", "detecting a photographing instruction", and "generating image data from the image when detecting the photographing instruction" such that the image data is *inserted* in "a desirable position of said sequence of image data" (see also, page 4, line 5-25). This allows a user to insert newly generated image data into any desirable position within the sequence of images displayed in the second display area.

The image photographing method and system in independent claims 1, 7 and 12 includes an image acquisition device 101 and a mobile terminal 200 that are connected with each other by a universal serial bus (which will hereinafter be abbreviated to USB) cable 300 (see, FIG. 2 and corresponding text). Digital image signals generated by the image acquisition device 101 are read by the image photographing system, thereby controlling operations with

respect to processing of the image data (see, page 9, line 23 through page 10, line 1). The image acquisition device also includes an outside device (see also, claims 5, 9 and 14).

The image photographing method and system of the present invention includes an image display area 21 or "a first display area" (claims 1, 7 and 12) where a display mode categorized into a monitor mode and a review mode is changed by the display mode menu 25 (see, page 11, lines 5-8). When photographing instruction is detected, for example, a user instructs the photographing through the photographing button icon 22 or the button 102 provided on the image acquisition device 101, the photographed image display frame area 23 or "a second display area" (claims 1, 7 and 12) is including image display frames 32a, 32b, 32c that are segmented within the film frame area are displayed (see, FIG. 3 and corresponding text).

When a user selects a desired frame image through the touch panel 203, this selected image is enlarged and displayed in the image display area 21, and the image display frames 32a, 32b, 32c provide a function of previewing each of the photographed images (see, FIG. 3 and corresponding text). According to the claimed invention, a user is able to insert image data in "a desirable position of said sequence of image data" (i.e., at any position within image display frames 32a, 32b, 32c illustrated in FIGS. 3 and 5).

The generated image data is "automatically stored at a selected position of the displayed sequence of stored image data in accordance with a user's instruction when the image is acquired" (see, claim 16, FIG. 9 and corresponding text). As illustrated in FIG. 9, a data structure is managed by the display order management module 3, where the list structure represents an order relation between a plurality of data elements linked by next addresses 54a, 54b, 54c, etc., (see, page 19, line 16 through page 20, line 12). The list structure indicates a head data element by a list head address 50 and a tail data element by a list tail address 51, and indicates data elements corresponding to the digital image data displayed in the photographed image display frame area 23, as an intra-screen head address 52 and an intra-screen tail address 53 (see, FIG. 9 and corresponding text). The display order management module 3, when given an instruction to add a new piece of data or change the display order, changes the display order of the files that store the digital image data to enable management of image data including storage at "a selected position" of the displayed sequence (see, claim 16).

The present invention also includes "shifting the already-displayed image data frame by frame in a predetermined direction when displaying new image data in a predetermined position" when the new image data is "inserted in the desirable position of said sequence of image data"

(claim 4, 8 and 13 and FIG. 5 and corresponding text).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR §1.192(c)(6))

Claims 1, 4, 7, 8, 12 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,515,704 (Sato) and claims 5, 9, 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato and U.S. Patent No. 5,943,050 (Bullock). (Claims 2, 3 and 6 stand cancelled and claims 10, 11 and 15 remain withdrawn).

VII. ARGUMENT (37 CFR § 1.192(c)(8))

In the Final Office Action, the Examiner rejected claims 1, 4, 7, 8, 12 and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,515,704 (Sato), and rejected claims 5, 9, 14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Sato and U.S. Patent No. 5,943,050 (Bullock).

Sato is directed to simultaneously displaying image data input by an input unit as a preview image and displays thumbnails of previously input images. In Sato, a display screen includes a main image display portion (at the center of the screen) for displaying a photographing preview and a plurality of subwindows surrounding the main image display portion for viewing thumbnail images (see, column 4, lines 32-40 and FIG. 2). The thumbnail images are displayed in subwindows (see, col. 4, lines 42-51) in a clockwise direction every time a new image is photographed (see, col. 5, lines 10-16 and FIG. 4), or at a predetermined window set as the initial position of the sequence of the subwindows (see, col. 6, lines 35-39).

As illustrated in FIG. 4 of Sato, subwindows 102 to 113 display the thumbnail images in a clockwise direction from the oldest image, and when a photographing instruction is generated, photographed images are inserted in the clockwise direction in the next sequential one of the subwindows 103 to 113 (see, col. 5, lines 10-16). That is, Sato does not enable a user to, for example, insert the newly photographed image "E" in subwindow 106 shown in FIG. 4 because "when the preview image is newly stored, and at the same time, displayed on the subwindow 105, as shown at the lower half of FIG. 4."

The Examiner asserts that displaying of a newly captured image in a clockwise direction or at predetermined window in Sato equates to insertion of image data at "a desirable position" (claims 1, 7 and 12) and at "a selected position" (claim 16) within the sequence displayed image data. That is, the Examiner is equating the ability to freely insert images at a desirable position with the ability to insert images in a predetermined, specified or restricted location.

Applicants respectfully submit that insertion at “a desirable” and “selected” position as claimed in the present application is not restricted to insertion at a prescribed position as discussed in Sato. For example, the Sato restricted insertion of a photograph “in the clockwise direction in the next sequential one of the subwindows” or in a prescribed “subwindow” is inconsistent with the following definitions of “desirable” in the Merriam-Webster Online Dictionary, which in pertinent part states:

“having pleasing qualities or properties”

“worth seeking or doing as advantageous, beneficial, or wise”

(see, Merriam-Webster's Online Dictionary at www.m-w.com).

Similarly, other dictionaries also define the word “desirable” in a similar fashion (see also, definition for desire: request something, to wish for and request something, to express a wish for, according to Encarta® World English Dictionary, North American Edition and Merriam-Webster's Online Dictionary, 10th Edition at www.m-w.com). Sato does not enable insertion at a desirable position, instead, only allows insertion at restricted positions.

Therefore, it is respectfully submitted that the claimed insertion at “a desirable position” (claims 1, 7 and 12) and at “a selected position” (claim 16) within the sequence displayed image data is patentably distinguishable over Sato.

The Examiner acknowledges that Sato fails to disclose that the images are input from an outside device to the display, but relies on Bullock as teaching the same. In Bullock, a computer connected by a tether to a digital image capture camera is provided (see, column 3, lines 6-8), where the images taken by an instant camera are presented in the work-surface of the attached computer display for purposes of comparison, ordering, discarding, and initial distribution (see, column 4, lines 48). When the user is unsatisfied with the quality of the image(s), the user may discard a selected image(s) from a plurality of image windows displayed (see, column 6, lines 3-6). However, Bullock is limited to displaying a captured image adjacent to an image capture window as a user continues to capture images.

Claim 1

The claimed structure of the image photographing system in claim 1 includes, “a display unit displaying a screen configured by a first display area displaying an image from an image acquisition device” and “a second display area displaying a sequence of image data.” When a photographing instruction is detected and image data is generated, the present invention

enables "inserting [of] the image data in a desirable position of said sequence of image data." In contrast, Sato restricts a user to insert a newly photographed image at (1) at a predetermined window, or (2) at an initial position of images arranged in a clockwise direction. For this reason, it is submitted that the rejection of claim 1 should be reversed.

Claim 4

Claim 4 calls for positioning of images in the sequence of image data upon insertion of the image data "in the desirable position of said sequence of image data". As recited in claim 4, when image data is inserted in the desired position within the sequence of image data, "the image data already displayed are shifted frame by frame in a predetermined direction and thus displayed." Sato does not teach or suggest these features of claim 4, and thus, it is submitted that the rejection of claim 4 should be reversed.

Claim 5

Claim 5 calls for interfacing of the image photographing system of claim 1 with "an outside device" capturing the image displayed." Sato and Bullock, alone or in combination, do not teach or suggest these features of claim 5, and thus, it is submitted that the rejection of claim 4 should be reversed.

Claim 7

The invention claimed in claim 7 is directed to executable instructions causing a machine configured to execute operations with respect to an image from an image acquisition device and a sequence of image data. When new image data is generated upon detection of a photographing instruction, a user is enabled to select "a desirable position of said sequence of image data" into which the new image data is inserted. Sato's insertion at prescribed positions without allowing designation of a position does not teach or suggest these features of claim 7. For this reason, the rejection of claim 7 should be reversed.

Claim 8

Claim 8 calls instructions executable by the machine to cause, "shifting the already-displayed image data frame by frame in a predetermined direction when displaying new image data in a predetermined position" when the new image data is inserted in the desirable position of said sequence of image data." Sato does not teach or suggest these features of claim 8, and thus, it is submitted that the rejection of claim 8 should be reversed.

Claim 9

Claim 9 calls for the machine in claim 7 where the image acquisition device that is "an outside device." Sato and Bullock, alone or in combination, do not teach or suggest these features of claim 9, and thus, it is submitted that the rejection of claim 9 should be reversed.

Claim 12

The claimed invention in claim 12 is directed to an image photographing method including "detecting a photographing instruction" and displaying a screen configured by "a first display area displaying an image from an image acquisition device" and "a second display area displaying a sequence of image data." The photographing instruction causes generation of image data from the image to enable "inserting [of] the image data in a desirable position of said sequence listing of image data." Sato does not teach or suggest these features of claim 12. For this reason, the rejection of claim 12 should be reversed.

Claim 13

Claim 13 is directed to the image photographing method of claim 12 including, "shifting the already-displayed image data frame by frame in a predetermined direction" when new image data is displayed data is inserted in the desirable position of said sequence of image data. Sato does not teach or suggest these features of claim 13, and thus, it is submitted that the rejection of claim 13 should be reversed.

Claim 14

Claim 14 also recites that the claimed image photographing method where the image acquisition device is "an outside device". Sato and Bullock, alone or in combination, do not teach or suggest these features of claim 14, and thus, it is submitted that the rejection of claim 14 should be reversed.

Claim 16

Claim 16 is directed to "providing a first display area displaying an image from the image acquisition device and providing a second display area displaying a sequence of stored image data" and "acquiring the image from the image acquisition device and generating image data related to the acquired image". The generated image data is "automatically stored at a selected position of the displayed sequence of stored image data in accordance with a user's instruction when the image is acquired."

In contrast, Sato is limited to inserting an image at a restricted position (i.e., at a predetermined window, set at an initial position of images arranged in the clockwise direction) when a new image is photographed (see, col. 5, lines 25-30 and FIG. 9). Similar to Sato, is limited to restricted positioning of a captured image adjacent to an image capture window.

Sato and Bullock, alone or in combination, do not teach or suggest these features of claim 16. For this reason, the rejection of claim 16 should be reversed.


XI. CONCLUSION (37 CFR § 1.192(c)(9))

It is submitted that claims 1, 4, 5, 7-9, 12-14 and 16 patentably distinguish over the cited references. Accordingly, reversal of the Examiner's rejection is respectfully requested.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2/2/6

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X. CLAIMS APPENDIX (37 CFR § 1.192(c)(10))

1. (PREVIOUSLY PRESENTED) An image photographing system, comprising:
a display unit displaying a screen configured by a first display area displaying an image from an image acquisition device, and a second display area displaying a sequence of image data;

a detecting unit detecting a photographing instruction;
a generating unit generating image data from the image when detecting the photographing instruction; and
an inserting unit inserting the image data in a desirable position of said sequence of image data.

2. (CANCELLED)

3. (CANCELLED)

4. (PREVIOUSLY PRESENTED) The image photographing system according to claim 1, wherein when the inserting unit inserts the image data in the desirable position of said sequence of image data, the image data already displayed are shifted frame by frame in a predetermined direction and thus displayed.

5. (PREVIOUSLY PRESENTED) The image photographing system according to claim 1, wherein the image acquisition device is an outside device.

6. (CANCELLED)

7. (PREVIOUSLY PRESENTED) A storage medium readable by a machine embodying a program of instructions executable by the machine to perform operations, comprising:
displaying a screen configured by a first display area displaying an image from an image acquisition device, and a second display area displaying a sequence of image data;
detecting a photographing instruction;
generating image data from the image when detecting the photographing instruction;
and
inserting the image data in a desirable position of said sequence of image data.

8. (PREVIOUSLY PRESENTED) The storage medium readable by a machine embodying the instructions executable by the machine according to claim 7 to perform further operations, comprising:

shifting the already-displayed image data frame by frame in a predetermined direction when displaying new image data in a predetermined position when the new image data is inserted in the desirable position of said sequence of image data.

9. (PREVIOUSLY PRESENTED) The storage medium readable by a machine embodying the instructions executable by the machine according to claim 7, wherein the image acquisition device is an outside device.

10. (WITHDRAWN) A data management device comprising:

a display screen arranging and displaying a predetermined number of data identifying elements identifying data,

wherein if the number of pieces of data to be managed exceeds the number of pieces of data displayable on said display screen and if data to be managed is added, the added data is inserted in a layout of the data identifying elements displayed.

11. (WITHDRAWN) A storage medium readable by a machine, tangible embodying a program of instructions executable by the machine to perform method steps for making a computer manage data, the method steps comprising:

arranging and displaying a predetermined number of data identifying elements for identifying data;

adding data to be managed; and

inserting and displaying the added data in a layout of the data identifying elements displayed if the number of pieces of data to be managed exceeds the number of pieces of data displayable on a display screen and if data to be managed is added.

12. (PREVIOUSLY PRESENTED) An image photographing method, comprising:

detecting a photographing instruction;

displaying a screen configured by a first display area displaying an image from an image acquisition device, and a second display area displaying a sequence of image data;

generating image data from the image when detecting the photographing instruction;

and

inserting the image data in a desirable position of said sequence listing of image data.

13. (PREVIOUSLY PRESENTED) The image photographing method according to claim 12 further comprising:

shifting the already-displayed image data frame by frame in a predetermined direction when displaying new image data in a predetermined position when the new image data is inserted in the desirable position of said sequence of image data.

14. (PREVIOUSLY PRESENTED) The image photographing method according to claim 12, wherein the image acquisition device is an outside device.

15. (WITHDRAWN) A data managing method comprising:
arranging and displaying a predetermined number of data identifying elements for identifying data;

detecting command adding data to be managed; and inserting and displaying the added data in a layout of the data identifying elements displayed if the number of pieces of data to be managed exceeds the number of pieces of data displayable on a display screen and if data to be managed is added.

16. (PREVIOUSLY PRESENTED) A computer readable storage medium storing a program executable by a computer connected with an image acquisition device to perform operations, comprising:

providing a first display area displaying an image from the image acquisition device and providing a second display area displaying a sequence of stored image data; and

acquiring the image from the image acquisition device and generating image data related to the acquired image, wherein the generated image data is automatically stored at a selected position of the displayed sequence of stored image data in accordance with a user's instruction when the image is acquired.

XI. EVIDENCE APPENDIX

Not applicable.

XII. RELATED PROCEEDINGS APPENDIX
Not applicable.